

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 2801-18

C# M#

BOTTAZZI et al.

C/A.U.

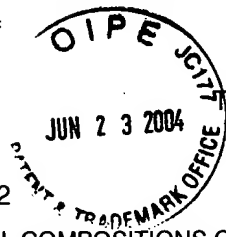
1644

Serial No. 09/555,473

Examiner: NOLAN

Filed: February 26, 2002

Date: June 23, 2004

Title: PHARMACEUTICAL COMPOSITIONS CONTAINING THE LONG PENTRAXIN  
PTX3Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number  
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 0 minus highest number  
previously paid for 3 (at least 3) = 0 x \$ 86.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$290.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this  
paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months) \$ 0.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$770.00) \$ 0.00

☐ Please enter the previously unentered , filed

☐ Submission attached

**Subtotal \$ 0.00**

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

**TOTAL FEE ENCLOSED \$ 0.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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BJS:NIXON & VANDERHYE P.C.  
By Atty: B. J. Sadoff, Reg. No. 36,663Signature: 



In re Patent Application of

BOTTAZZI et al.

Atty. Ref.: 2801-18; Confirmation No. 9420

Appl. No. 09/555,473

TC/A.U. 1644

Filed: February 26, 2002

Examiner: NOLAN

For: PHARMACEUTICAL COMPOSITIONS CONTAINING THE LONG PENTRAXIN  
PTX3

\* \* \* \* \*

June 23, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

### **RESPONSE**

Responsive to the Office Action dated May 28, 2004, entry and consideration of the following remarks, and allowance of the application, are requested.

Claims 17-19 are pending.

The Section 102 rejection of claims 17-19 over U.S. Patent No. 5,426,181 is traversed. Withdrawal of the rejection is requested as the sequence TSG-14 (i.e., SEQ ID NO:4) of the patent does not anticipate and is not identical to SEQ ID NO:1 of the present invention, as alleged by the Examiner. Specifically, position 202 of the noted sequences are different, as shown in the following alignment, where the sequence in italics was copied from the U.S. Patent Office web-site version of the cited patent and the non-italicized sequence is from the Sequence Listing of the present application:

Leu	
Met	

Leu	Ala	Ala	Thr	Thr	Val	Glu	Met	Ala	Thr	Gly	His	Ile	Val	Pro	Glu
Leu	Ala	Ala	Thr	Thr	Val	Glu	Met	Ala	Thr	Gly	His	Ile	Val	Pro	Glu
290						295					300				
Gly	Gly	Ile	Leu	Gln	Ile	Gly	Gln	Glu	Lys	Asn	Gly	Cys	Cys	Val	Gly
Gly	Gly	Ile	Leu	Gln	Ile	Gly	Gln	Glu	Lys	Asn	Gly	Cys	Cys	Val	Gly
305					310					315					320
Gly	Gly	Phe	Asp	Glu	Thr	Leu	Ala	Phe	Ser	Gly	Arg	Leu	Thr	Gly	Phe
Gly	Gly	Phe	Asp	Glu	Thr	Leu	Ala	Phe	Ser	Gly	Arg	Leu	Thr	Gly	Phe
				325					330					335	
Asn	Ile	Trp	Asp	Ser	Val	Leu	Ser	Asn	Glu	Glu	Ile	Arg	Glu	Thr	Gly
Asn	Ile	Trp	Asp	Ser	Val	Leu	Ser	Asn	Glu	Glu	Ile	Arg	Glu	Thr	Gly
			340					345					350		
Gly	Ala	Glu	Ser	Cys	His	Ile	Arg	Gly	Asn	Ile	Val	Gly	Trp	Gly	Val
Gly	Ala	Glu	Ser	Cys	His	Ile	Arg	Gly	Asn	Ile	Val	Gly	Trp	Gly	Val
			355					360					365		
Thr	Glu	Ile	Gln	Pro	His	Gly	Gly	Ala	Gln	Tyr	Val	Ser			
Thr	Glu	Ile	Gln	Pro	His	Gly	Gly	Ala	Gln	Tyr	Val	Ser			
			370			375					380				

As the cited reference fails to teach each and every aspect of the claimed invention, the Section 102 rejection of claims 17-19 should be withdrawn and the application allowed.

In view of the above and attached, the applicants submit that the claims are patentable over the art of record and a Notice of Allowance is requested.

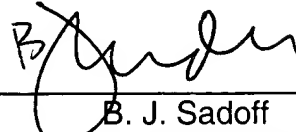
The Examiner is again requested to contact the undersigned if anything further is required in this regard.

BOTTAZZI et al.  
Appl. No. 09/555,473  
June 23, 2004

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

  
B. J. Sadoff  
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